

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GENERAL MOTORS CORPORATION,
a Delaware corporation, GM DE MEXICO
S. DE R.L. DE C.V., a Mexican entity, and
GM OF CANADA LTD., a Canadian entity,

Case No. 2:08-cv-12671

Hon. Lawrence P. Zatkoff
Mag. Judge Mark A. Randon

Plaintiffs,

v.

ALBERT WEBER GMBH, a German entity,
and WEBER AUTOMOTIVE CORPORATION,
a South Carolina corporation,

Defendants.

STIPULATED PROTECTIVE ORDER ADDRESSING CUMMINS, INC.

At a session of the Court held in
Port Huron, Michigan on October 1, 2010

PRESENT: Hon. Lawrence P. Zatkoff

This Court entered a Stipulated Protective Order (the “First Protective Order”) on February 17, 2010, in order to protect certain confidential information produced by parties and non-parties in this case. On July 23, 2010, GM de Mexico S. de R.L. de C.V. and GM of Canada Ltd. issued a subpoena to Cummins, Inc. (“Cummins”), requesting the production of documents. Cummins maintains that some of the requested documents contain highly sensitive information, including competitive pricing data and projected production volumes. The parties have stipulated to entry of this Protective Order Addressing Cummins to provide for a higher level of protection for certain documents containing competitive information, and the Court is otherwise fully advised in the premises.

IT IS HEREBY ORDERED as follows:

1. In the event that Cummins believes that material it discloses in this litigation contains highly sensitive information related to its ability to compete in the marketplace, Cummins may produce the material with the designation “Attorneys’ Eyes Only,” in which case the documents shall be disclosed only to the legal counsel for the parties involved in this litigation (including in-house legal counsel) and members of their staff who have a legitimate need to review the information. Notwithstanding the preceding sentence, any party to this litigation may show a document marked “Attorneys’ Eyes Only” to a current or former employee of Albert Weber GmbH or Weber Automotive Company at a deposition in this litigation.

2. If any party intends to introduce into evidence at trial any information designated as “Attorney’s Eyes Only,” the party shall give timely notice of such intention to Cummins. The parties and Cummins will determine the procedures under which such information may be used at trial. If the parties and Cummins cannot agree, the Court may make a determination.

3. In the event that any party files a document marked “Attorneys’ Eyes Only” with the Court, the party shall file the document under seal as provided for in the First Protective Order.

4. Any party may file a motion with the Court challenging the “Attorney’s Eyes Only” designation of any particular document and shall serve a copy of the motion on Cummins on the day the motion is filed. Before filing such a motion, the challenging party shall attempt to resolve the challenge with Cummins. Any document claimed to be “Attorney’s Eyes Only” that is subject to a dispute as to whether it is in fact “Attorney’s Eyes Only” shall, until further Order of the Court, be treated as “Attorney’s Eyes Only” in accordance with the provisions of this Order.

5. All other provisions of the First Protective Order continue to apply to any information produced by Cummins in this litigation.

Date: October 1, 2010

s/Lawrence P. Zatkoff
Hon. Lawrence P. Zatkoff

The parties to this action and Cummins, by their respective attorneys, hereby stipulate to entry of the above Order.

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